

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-1188 PA (RZx)	Date	February 28, 2012
Title	Saba Siddiqi v. Gerber Prods. Co. et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Paul Songco	N/A		N/A
Deputy Clerk	Court Reporter		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE

Before the Court is a class action complaint filed by plaintiff Saba Siddiqi (“Plaintiff”). The Complaint alleges several California and New Jersey state law causes of action against defendant Gerber Products Company and Nestle USA, Inc. (“Defendants”) arising out of the sale of baby food products manufactured by Defendants. The Complaint alleges that Plaintiff “reside[s] in Bellmore, New York.” (Compl. ¶ 6.) Gerber Products Company, the manufacturer and distributor of the baby food products, is a Delaware corporation with its principle place of business in New Jersey. Nestle Foods, Inc., whose relationship to Gerber Products Company is not specified, has its principal place of business in Glendale, California.

The Court orders the parties to show cause, in writing not to exceed 15 pages, why this action should not be transferred to the United States District Court for the Eastern District of New York (the “Eastern District”), or, in the alternative, to the United States District Court for the District of New Jersey, for the convenience of the parties and witnesses, and in the interests of justice. See 28 U.S.C. §§ 124(a), 1404(a). All factual matters relied upon in the parties’ submissions must be supported by appropriate declarations and admissible evidence. To assist the Court in determining whether transfer is appropriate and in the interest of justice, the parties are directed to address the following, in addition to sharing their beliefs as to which forum is more convenient for the parties and witnesses:

1. Whether this action could have been brought in the Eastern District or the District of New Jersey;
2. Whether venue is appropriate in the Eastern District or the District of New Jersey;
3. What contacts, if any, each of the parties has to the Central District of California (the “Central District”), the Eastern District, and the District of New Jersey. The parties should include information regarding the location of their administrative offices, real property, sources of revenue, and points of public contact;
4. What connection Plaintiff’s causes of action have to the Central District, the Eastern District, and the District of New Jersey;

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5. Which witnesses are expected to be called and where they reside;
6. The availability of compulsory process to compel attendance of unwilling non-party witnesses in the Central District as compared to the Eastern District or the District of New Jersey;
7. The ease of access to sources of proof in each of the three forums;
8. The expected difference in the cost of litigation in the Central District as compared to the Eastern District and the District of New Jersey; and
9. Whether there are any alternative forums, other than the Central District, the Eastern District, or the District of New Jersey, that would be more convenient for this action, keeping in mind the inquiries above.

Plaintiff is ordered to file a response to this Order no later than March 06, 2012. Plaintiff is ordered to personally serve a copy of this Order on any defendant that has already been served with the Complaint within three (3) court days of the date of this Order or at the time of service for any defendant that has not already been served. Defendants' response is due no later than March 13, 2012. Failure to timely respond to this Order may result in the dismissal of this action without prejudice.

IT IS SO ORDERED.